

REMARKS

The final Office Action dated May 11, 2011, and the Advisory Action dated September 13, 2011 has been carefully reviewed and the foregoing Amendment and following remarks have been made in consequence thereof.

Claims 1-4 and 6-32 are pending. Claims 1-4, 6, 7, and 11-32 stand rejected. Claims 8-10 have been withdrawn by the Examiner. Claim 5 has been canceled.

Applicants appreciate the courtesies shown to Applicants' representative Kevin Jones by Examiner Bekerman in the October 5, 2011 telephonic interview. No demonstration was given, and no exhibit was shown. Applicants' record of the substance of the interview is further incorporated into the following remarks.

The rejection of Claims 1-6 and 11-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

In particular, Claims 1, 11, and 28 have been amended to address the issues raised in the Office Action. As such, Applicants respectfully request the rejection of Claims 1, 11, and 28 under Section 101 be withdrawn.

Claims 2-4 and 6 depend from independent Claim 1. When the recitations of Claims 2-4 and 6 are considered in combination with the recitations of Claim 1, Applicants respectfully request the rejection of Claims 2-4 and 6 under Section 101 be withdrawn.

Claims 12-27 depend from independent Claim 11. When the recitations of Claims 12-27 are considered in combination with the recitations of Claim 11, Applicants respectfully request the rejection of Claims 12-27 under Section 101 be withdrawn.

Claims 29-32 depend from independent Claim 28. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants respectfully request the rejection of Claims 29-32 under Section 101 be withdrawn.

The rejection of Claims 1-4, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,761,647 to Boushy is respectfully traversed.

Initially, on page 4 of the Office Action, the Examiner asserts that Boushy describes that players may be awarded based on customer activity and customer worth. In particular, at column 12, line 18 to column 13, line 40, Boushy describes that comping is a customer recognition program that is supported by system 100 and method 400. Comps are awarded to a customer according to the customer's average daily theoretical win, which is an estimate of the casino's average daily winnings from the customer. The level of comps available to a customer is based on the casino's theoretical win from different gambling activities and the customer's historic level of these gambling activities. That is, Boushy describes that a customer is awarded a comp based on the customer's average daily theoretical win. In contrast, Claims 1 and 7 enable a player to receive a bonus (not a comp) based on a worth of the player. More specifically, as discussed during the interview, Claims 1 and 7 enable a player to receive one or more of the following: cash, a cash voucher, player points, and game credits based on a worth of the player.

As such, Boushy does not describe or suggest “determining a worth of a player associated with the selected device based on an activity of the player at the wagering and point of sale devices at each of the sites; awarding the bonus to the player associated with the selected device based on the determined worth of the player, wherein the bonus is one or more of the following: cash, a cash voucher, player points, and game credits,” as recited Claim 1, or “a bonus server for awarding a bonus to at least one player associated with one of the gaming or point of sale devices at one of the sites when the accumulated count on the master server reaches or exceeds a random number, wherein the awarded bonus is based on a worth of the player determined from activity of the player at the wagering and point of sale devices at each of the sites, and wherein the bonus is one or more of the following: cash, a cash voucher, player points, and game credits,” as recited in Claim 7.

Accordingly, for at least the reasons set forth above, Claims 1 and 7 are submitted to be patentable over Boushy.

Claims 2-4 and 6 depend from independent Claim 1. When the recitations of Claims 2-4 and 6 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that Claims 2-4 and 6 are also patentable over Boushy.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-4, 6, and 7 be withdrawn.

The rejection of Claims 11-27 under 35 U.S.C. § 103(a) as being unpatentable over Boushy is respectfully traversed.

In particular, as mentioned above, at column 12, line 18 to column 13, line 40, Boushy describes that comping is a customer recognition program that is supported by system 100 and method 400. Comps are awarded to a customer according to the customer's average daily theoretical win, which is an estimate of the casino's average daily winnings from the customer. The level of comps available to a customer is based on the casino's theoretical win from different gambling activities and the customer's historic level of these gambling activities. That is, Boushy describes that a customer is awarded a comp based on the customer's average daily theoretical win. In contrast, Claim 11 enables a player to receive a bonus (not a comp) based on a worth of the player. Claim 11 further defines a bonus to be one or more of the following: cash, a cash voucher, player points, and game credits.

As such, Boushy does not describe or suggest "awarding a bonus to the identified player responsive to play criteria on the pari-mutuel wagering event exclusive of outcome and based on a worth of the identified player determined from said wagering and purchasing data, wherein the bonus is one or more of the following: cash, a cash voucher, player points, and game credits" as recited in Claim 11.

Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Boushy.

Claims 12-27 depend from independent Claim 11. When the recitations of Claims 12-27 are considered in combination with the recitations of Claim 11, Applicants respectfully submit that Claims 12-27 are also patentable over Boushy.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 11-27 be withdrawn.

The rejection of Claims 28-32 as being unpatentable over Boushy in view of U.S. Patent No. 6,210,275 to Olsen is respectfully traversed.

No combination of Boushy and Olsen describes nor suggests “collecting, via a processor, within a central database data relating to player wagering and purchasing activity characterized by a selection by the player of a predicted outcome of a future event; storing within a database the selected outcome; determining, via a processor, if the outcome is satisfied by a determination of the future event; awarding a payout to the player if the outcome is satisfied by a determination of the future event; and awarding a bonus to the player in association with the player wagering and purchasing activity, wherein the bonus is one or more of the following: cash, a cash voucher, player points, and game credits,” as recited in Claim 28.

In particular, as mentioned above, at column 12, line 18 to column 13, line 40, Boushy describes that comping is a customer recognition program that is supported by system 100 and method 400. Comps are awarded to a customer according to the customer's average daily theoretical win, which is an estimate of the casino's average daily winnings from the customer. The level of comps available to a customer is based on the casino's theoretical win from different gambling activities and the customer's historic level of these gambling activities. That is, Boushy describes that a customer is awarded a comp based on the customer's average daily theoretical win. In contrast, Claim 28 enables a player to be awarded a bonus (not a comp) in association with the player's wagering and purchasing activity. Claim 28 further defines a bonus to be one or more of the following: cash, a cash voucher, player points, and game credits. Further, the Examiner relies on Olsen as allegedly describing storing a selected outcome and awarding a payout based on the selected outcome

and a future event. However, even if the above allegation is true, Olsen does not remedy the deficiencies of Boushy in describing or rendering obvious the features recited in Claim 28, and in particular, awarding a bonus to the player in association with the player wagering and purchasing activity.

Accordingly, for at least the reasons set forth above, Claim 28 is submitted to be patentable over Boushy in view of Olsen.

Claims 29-32 depend from independent Claim 1. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants respectfully submit that Claims 29-32 are also patentable over Boushy in view of Olsen.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 28-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

/Kevin K. Jones/

Kevin K. Jones
Registration No. 56,809
ARMSTRONG TEASDALE LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, Missouri 63105
(314) 621-5070